

AMENDED IN SENATE APRIL 26, 2006

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1808**

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**Introduced by Senator Aanestad**

February 24, 2006

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An act to add Section ~~2220.1~~ 2042 to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 1808, as amended, Aanestad. Physicians and surgeons: death penalty executions.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.

Existing law provides that persons sentenced to death shall have the punishment imposed by lethal gas or lethal injection. Existing law requires the warden of the state prison where the execution is to take place to invite specified persons to attend the execution. Existing law provides that a physician so invited may not be compelled to attend the execution and his or her refusal to attend may not be used in any disciplinary action.

This bill would specify that a physician and surgeon who carries out or participates in a death penalty execution *is not engaged in the practice of medicine*, does not violate the Medical Practice Act, and is not subject to disciplinary action by the board.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section ~~2220.1~~ 2042 is added to the Business  
2 and Professions Code, to read:  
3     ~~2220.1.~~  
4     2042. Notwithstanding any other provision of law,  
5 *participating in a death penalty execution, as described in*  
6 *Section 3604 of the Penal Code, does not constitute the practice*  
7 *of medicine, and* a physician and surgeon who carries out or  
8 participates in a death penalty execution, ~~as described in Section~~  
9 ~~3604 of the Penal Code~~, does not violate any provision of this  
10 chapter and shall not be subject to any disciplinary action by the  
11 board.

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